

REMARKS

Claims 1-18, 21 and 24-36 are all the claims pending in the application.

The rejection stated in paragraph 3 of the Office action is respectfully traversed. The attention of the examiner is directed to, e.g., the discussion beginning at line 26 of page 14, where the specification describes that various limit values relating to processing capacity can be transmitted each time the limit values change, which will necessarily sometimes be independent of a call request since the limit values will sometimes change independently of a call setup. The specification at this point further describes the sending of the updated limit values in a resource status indication message defined in document 3G TS 25.433 V3.0.0 (2000-01) for UMTS. Attached is a copy of the relevant portion of this UMTS standard, explaining when the message is sent, including triggering events which are clearly independent of call setup, e.g., when a cell or a channel or a node changes its capabilities.

Accordingly, it is clear that the subject matter of all claims is supported in the specification as originally filed, and withdrawal of the rejection is requested.

In the remainder of the Office action, the examiner has simply repeated the rejections earlier stated, ignoring the requirement of the claims that the sending/receiving of limit values relating to processing capacity be independent of call setup. These rejections therefore fail for the same reasons set forth in the amendment filed September 10, 2007.

Applicant also notes the arguments of the examiner in paragraph 8 at pages 14-15 of the Office action. A point here that the examiner has overlooked is that claims 31-36 of the present application require determining when a limit value is reached or exceeded. If the examiner considers the maximum available number of calls signaled by Fapojuwo to be the claimed limit

values, then in order to satisfy the claim language this maximum number of calls must at some point be reached or exceeded and the fact that it has been reached or exceeded must be determined. There is no discussion anywhere in Fapojuwu of its "limit values" being reached or exceeded. Note, again, that the value sent by Fapojuwu is not the maximum number of calls that can be handled, but it is the maximum number of *additional* calls which can be handled. As the number of handled calls increases, the signaled maximum number of *additional* calls that can be handled will keep dropping, until it reaches zero, and no more calls will be accepted. Thus, the maximum number of *additional* calls is not a number which is reached or exceeded or which may already have been exceeded, all as required in claims 31-36.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

/DJCushing/
David J. Cushing
Registration No. 28,703

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

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